

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## United States District Court

For the Northern District of California

1 SBA )  
2 )  
3 Bridgette R. Jones v. Astrazeneca )  
4 Pharms., L.P., et al.; No. C 06-1485 )  
5 SBA )  
6 Cheryl Levy v. Astrazeneca Pharms., )  
7 L.P., et al.; No. C 06-0613 SBA )  
8 \_\_\_\_\_ )  
9 )

8 Having reviewed and considered the papers and arguments submitted in the above-captioned  
9 matters, the Court HEREBY ORDERS the following:

10 Plaintiffs' Request for Judicial Notice filed in both Case No. C 06-1341 SBA [Docket No.  
11 17] and Case No. C 06-1485 SBA [Docket No. 14] and plaintiff's requests for judicial notice in  
12 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without  
13 Prejudice filed in Case No. C 06-1485 SBA [Docket No. 21] are DENIED AS MOOT because the  
14 Court has not relied on the noticed materials in reaching its conclusions.

15 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without  
16 Prejudice filed in the following cases are DENIED AS MOOT: C 06-0548 SBA [Docket No. 9], C  
17 06-0542 SBA [Docket No. 14], C 06-0580 SBA [Docket No. 13], C 06-0615 SBA [Docket No. 9], C  
18 06-0626 SBA [Docket No. 9], C 06-0621 SBA [Docket No. 7], C 06-0659 SBA [Docket No. 9], and  
19 C 06-0613 SBA [Docket No. 14]. The Court is without jurisdiction to dismiss these cases in their  
20 entirety, as the claims against AstraZeneca Pharmaceuticals L.P. and AstraZeneca L.P. have been  
21 transferred to the Middle District of Florida, pursuant to 28 U.S.C. § 1407. *In re Multidistrict*  
22 *Private Civ. Treble Damage Litig. Involving Plumbing Fixtures*, 298 F. Supp. 484, 496 (J.P.M.L.  
23 1968) ("[A]fter an order changing venue the jurisdiction of the transferor court ceases; and . . .  
24 thereafter the transferor court can issue no further orders, and any steps taken by it are of no effect.")

25 The Stipulation and Request for Voluntary Dismissal of Defendants Janssen, L.P.; Janssen  
26 Pharmaceutica, Inc.; and Johnson & Johnson filed in Case No. C 06-0659 SBA is GRANTED.

27 Plaintiffs' Request for Judicial Notice filed in Case No. C 06-0613 SBA [Docket No. 14] is  
28 DENIED AS MOOT because the Court has not relied on the noticed materials in reaching its

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1 conclusions.

2 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without  
3 Prejudice filed in the following cases are GRANTED and the following cases are DISMISSED  
4 WITHOUT PREJUDICE AND WITHOUT CONDITIONS: C 06-1335 SBA [Docket No. 15], C 06-  
5 1341 SBA [Docket No. 14], C 06-1850 SBA [Docket No. 13], and C 06-1318 SBA [Docket No. 12].  
6 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without  
7 Prejudice filed in C 06-1485 SBA [Docket No. 21] is GRANTED and defendants AstraZeneca  
8 Pharmaceuticals, L.P., and AstraZeneca, L.P., are DISMISSED from the case WITHOUT  
9 PREJUDICE AND WITHOUT ANY CONDITIONS. "A district court should grant a motion for  
10 voluntary dismissal under [Federal Rule of Civil Procedure] 41 unless a defendant can show that it  
11 will suffer some plain legal prejudice as a result." *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir.  
12 2001). In the dismissed cases listed above, Defendants have failed to show that they will suffer  
13 plain legal prejudice from dismissal. Further, the Court grants dismissal without conditions because  
14 the conditions proposed by Defendants are unnecessary and unduly restrictive.

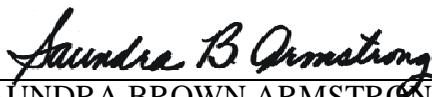
15 Plaintiff's original Motion for Administrative Relief; Request for Order Approving Dismissal  
16 Without Prejudice filed in C 06-1485 SBA [Docket No. 8] is DENIED AS MOOT, as it is  
17 superceded by the Motion filed in Docket No. 21 of that case.

18 Because the Court has granted Plaintiffs' motions for dismissal in the following cases,  
19 AstraZeneca's Motions to Stay filed in those cases are DENIED: C 06-1335 SBA [Docket No. 19], C  
20 06-1341 SBA [Docket No. 20], C 06-1850 SBA [Docket No. 19], and C 06-1318 SBA [Docket No.  
21 16], C 06-1485 SBA [Docket No. 24].

22 Going forward, the parties should take care to adhere to the Local Rules of the Court.

23 IT IS SO ORDERED.

24  
25 Dated: 8/22/06  
26  
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28

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge